



CHAPTER x

An Act to amend the law relating to the rate leviable by the churchwardens of the parish of Saint Paul, Covent Garden, in regard to the incidence thereof, and to make provision for the redemption and extinguishment of the said rate, and for matters incidental to or consequential upon the aforesaid purposes.

[18th April, 1962.]

WHEREAS the preamble of the Act passed in the year 1660 (being the twelfth year of the reign of His late Majesty King Charles the Second) intituled “ An Act for making the Precinct of Covent Garden Parochial ” (which Act is hereinafter referred to as “ the Act of 1660 ”) recited that Francis Earl of Bedford had erected a church for the use of the inhabitants within the precinct of Covent Garden and had intended to settle a yearly stipend of one hundred pounds and a house, towards the maintenance and for the habitation of a minister to officiate in the said church; and that it was necessary, for the better accommodation and convenience of the inhabitants of the precinct, that the same should be made parochial and divided from the parish of Saint Martin-in-the-Fields:

And whereas the Act of 1660 provided—

- (1) that the precinct included within the bounds and limits therein expressed should be from thenceforth and for ever a distinct parish to be known as the parish of Saint Paul, Covent Garden, and that the said precinct should be divided and exempted from the said parish of Saint Martin-in-the-Fields:
- (2) that the rector of the newly erected church within the precinct and his successors should be incorporated and have capacity and succession by the name of the rector of the parish church of Saint Paul, Covent Garden,

and should have the cure of souls of the inhabitants within the said parish and hold and enjoy a house in Covent Garden in Saint James's Street then lately in the occupation of William Russel and then in possession of Edward Bladen;

- (3) that the rector and his successors should have a yearly rent of one hundred pounds, to be provided from and charged upon three named houses in Covent Garden;
- (4) for the appointment by the rector of a curate, and for the appointment annually (one by the then Earl of Bedford, his heirs and assigns, one by the rector and his successors, and one by householder inhabitants of the parish) of three churchwardens;
- (5) that there should be charged upon the houses of the inhabitants of the parish (other than Bedford House) the yearly sum of two hundred and fifty pounds, which was to be assessed and collected by the said churchwardens, or any two of them, and applied in the payment of the yearly sum of one hundred and fifty pounds to the rector for the time being, the yearly sum of fifty pounds to the curate for the time being and that the residue of the money raised by assessments upon the inhabitants of the said parish should be applied by the churchwardens for wages and salaries for a clerk and two sextons:

51 Geo. 3
c. 150.

And whereas by an Act passed in the year 1811 (being the fifty-first year of the reign of His late Majesty King George the Third) intituled "An Act for amending an Act of King Charles the Second, for making the Precinct of Covent Garden Parochial; and for increasing the Stipends of the Rector, Curate, Clerk and Sextons of the said Parish" (hereinafter referred to as "the Act of 1811") (after reciting "the very great advance in price of the articles of necessary consumption") the provisions of the Act of 1660 for raising the before-mentioned sum of two hundred and fifty pounds were revoked and provision was made in lieu thereof for the raising of a yearly sum of five hundred and twenty pounds per annum to be charged upon all houses within the parish of Saint Paul, Covent Garden (other than the house occupied by the rector), together with the costs of collection, and it was provided that the churchwardens should out of the money so to be raised and received pay to the rector the yearly sum of three hundred and twenty pounds, to the curate the yearly sum of one hundred pounds and to the clerk and sextons the yearly sum of one hundred pounds:

And whereas the Act of 1811 further provided that the perpetual payment to the rector of the sum of one hundred pounds directed by the Act of 1660 to be charged on certain houses in Covent Garden should be increased by the addition of eighty pounds per

annum to a total of one hundred and eighty pounds per annum, which total sum was to be provided from all the houses at that time forming the Piazza in Covent Garden, from Russell Street to King Street:

And whereas it was provided by the Act of 1660 and by the Act of 1811 that in case any default should happen to be made in the payment of the sums directed by the said Acts to be paid by the churchwardens to the rector, curate, clerk or sextons, the justices of the peace for the city of Westminster, or for the county of Middlesex upon the complaint of the party aggrieved, might cause the churchwardens who failed to make the payments to be imprisoned until payment should be made:

And whereas by a further Act passed in the year 1829 (being ^{10 Geo. 4} the tenth year of the reign of His late Majesty King George ^{c. 68.} the Fourth) intituled "An Act to repeal several Acts relating to the Parish of Saint Paul, Covent Garden, in the County of Middlesex; and for making better Provision for the Regulation of the Affairs of the said Parish", the provisions hereinbefore mentioned of the Acts of 1660 and 1811 were expressly declared to continue unaffected; and the churchwardens and their predecessors in office have continuously acted in the exercise of their powers and the performance of their duties under the said Acts down to the present time and the amounts to be raised by them and paid by them to the rector, curate, clerk and sextons have never, since 1811, been increased:

And whereas the present churchwardens are David Alexander Philips, Frederick Cecil Wareham and William John Seldon:

And whereas at the date of the enactment of the provisions contained in the Act of 1660 and the Act of 1811 the character of the parish of Saint Paul, Covent Garden, was predominantly residential and it was therefore consistent with the purposes of the said Acts to make provision thereby for the raising by the churchwardens of the prescribed sums hereinbefore referred to for the benefit and maintenance of the rector, curate and clerk and sextons by means of a rate leviable generally upon the occupiers of houses within the said parish:

And whereas due to subsequent changes in the character of the area comprised within the said parish and in particular to the development and expansion of Covent Garden Market and of business activities connected therewith numerous properties therein ceased to be used for residential purposes and were converted and adapted for various commercial purposes and doubts arose as to whether, upon such conversion and adaptation, the occupiers of existing buildings remained liable to payment of any rate levied by the churchwardens:

And whereas by a decision of the courts in 1906 it was held that a "house" if adapted and used for purposes other than a dwelling-house continued to be liable to a rate levied by the

churchwardens, provided that the structure and character of the building, regarded as a whole, was fit, or could readily be fitted, for use as a place of residence:

And whereas despite the said decision of the courts it is apprehended that as the result of recent legislation affecting Covent Garden Market large-scale changes in the character of the area comprising the parish of Saint Paul, Covent Garden, will be brought about by redevelopment and replanning whereby properties now liable to rates levied by the churchwardens will cease to be so liable:

And whereas any further diminution in the number of properties liable to be rated by the churchwardens must inevitably increase the burden on the occupiers of the remaining properties so liable, make more difficult the performance by the churchwardens of their statutory obligations, and frustrate the purposes and intentions of the Acts of 1660 and 1811:

And whereas it is expedient to provide for the future incidence of the rate leviable by the churchwardens on a fair and equitable basis and to provide for the redemption of the said rate as in this Act provided:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Saint Paul, Covent Garden, Act, 1962.

Interpretation.

2.—(1) In this Act unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

“ the appointed day ” means the day of the commencement of the rating period next occurring after the passing of this Act;

“ the Act of 1660 ” means the Act passed in the twelfth year of the reign of His late Majesty King Charles the Second intituled “ An Act for making the Precinct of Covent Garden Parochial ”;

“ the Act of 1811 ” means the Act passed in the fifty-first year of the reign of His late Majesty King George the Third intituled “ An Act for amending an Act of King Charles the Second, for making the Precinct of Covent Garden Parochial; and for increasing the Stipends of the Rector, Curate, Clerk and Sextons of the said Parish ”;

“ the churchwardens ” means the churchwardens of the parish or other the persons for the time being empowered to levy and collect the rate;

“ the existing Acts ” means the Act of 1660 and the Act of 1811;

“ the parish ” means the parish of Saint Paul, Covent Garden, constituted by and defined in the Act of 1660;

“ the rate ” means the rate which the churchwardens are empowered to levy and collect by virtue of section II (£520 to be raised annually for the Rector, Curate, Clerk and Sextons) of the Act of 1811;

“ rateable property ” means all buildings and property within the parish upon which the churchwardens levied the rate in the rating period immediately preceding the date of the passing of this Act;

“ rating period ” means a period of one year commencing on the twenty-fifth day of March;

“ the redemption fund ” means the fund to be established by the churchwardens under the provisions of section 5 (Establishment of redemption fund, and ultimate extinguishment of rate) of this Act.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any subsequent enactment, including this Act.

3. Subject to the provisions of this Act, on and after the appointed day— Future incidence of rate.

(1) all rateable property shall be liable for assessment to the rate as if for the references in the existing Acts to houses liable for assessment thereto, and to the occupiers of such houses, there were respectively substituted references to rateable property as defined by section 2 (Interpretation) of this Act and to the occupiers of rateable property and the existing Acts shall be read and have effect accordingly;

(2) the amount of the rate to be levied upon rateable property in each rating period shall be such amount in the pound of rateable value of all rateable property calculated upon the valuation list in force for the parish at the commencement of that rating period, not being less than one penny, nor more than two pence, as will in the opinion of the churchwardens be sufficient in each rating period to produce (after taking into account

any income receivable pursuant to subsection (4) of section 6 (Voluntary redemption of liability to rate) of this Act) a total amount not less than the sum of the following, namely:—

- (i) five hundred and twenty pounds;
 - (ii) the amount of the expenses reasonably incurred by the churchwardens in making and collecting the rate; and
 - (iii) three hundred pounds;
- (3) upon the happening of any change in the character of any rateable property by reason of which such property, or the site thereof, becomes or is intended to become or to form part of a permanent open space or a highway, or would otherwise cease to be liable for assessment to the rate, the following provisions shall have effect, namely, in the case of property which becomes or forms part of a permanent open space or a highway, the authority having the control or management thereof, and in any other case the person for the time being in possession of such property shall be deemed to be liable to payment of the rate, and unless and until, consequent upon an application to the churchwardens to allow the liability to the rate in respect of that property to be redeemed, redemption of that liability is effected, liability to the rate in respect of such property shall attach to such authority or person as the case may be:

Provided that for the purposes of this paragraph any continuing liability to the rate shall be assessed upon the amount of rateable value at which the property last stood in the valuation list for the parish.

Future
application
of proceeds
of rate.

4. As from the appointed day the churchwardens shall apply the proceeds of the rate in each rating period as follows:—

firstly, in payment of the several sums referred to in section VII (Rector's allowance £320, Curate's £100, Clerk and Sextons' £100 to be paid quarterly) of the Act of 1811;

secondly, in payment of the reasonable expenses of making and collecting the rate;

thirdly, as regards the remaining balance of the said proceeds, in carrying the same to the credit of the redemption fund.

5.—(1) Forthwith after the appointed day the churchwardens shall establish a fund into which shall be paid in respect of each rating period the remaining balance of the proceeds of the rate thirdly referred to in section 4 (Future application of proceeds of rate) of this Act. Establishment of redemption fund; and ultimate extinguishment of rate.

(2) All moneys from time to time comprised in the said fund shall be held and invested by the churchwardens as trustees and accumulated until such time as the churchwardens are satisfied, upon the certificate of a qualified actuary, that the total amount then standing to the credit of the fund will be sufficient, when invested or expended in the purchase of a perpetual annuity, to produce in perpetuity, after taking into account the reasonable expenses (if any) likely to be incurred in the future management of the said fund, an income of five hundred and twenty pounds and thereupon the churchwardens shall give notice thereof and of the consequential effect of subsection (3) of this section to all persons then liable to payment of the rate.

(3) As from the end of the rating period in which the churchwardens give notice as required by subsection (2) of this section the churchwardens shall cease to levy and collect the rate and all liability for the payment of the same shall be extinguished (save and except any sum which may then be outstanding and unpaid) and in lieu thereof the churchwardens shall thereafter utilise the annual income of the fund for the payment of the several sums mentioned in section VII (Rector's allowance £320, Curate's £100, Clerk and Sextons' £100 to be paid quarterly) of the Act of 1811, and the reasonable management expenses (if any) attributable to the fund.

(4) Any balance of income remaining in the hands of the churchwardens after payment of the sums and expenses referred to in subsection (3) of this section shall be paid to the parochial church council of the parish and shall be held by that council as part of their fabric fund.

6.—(1) At any time after the appointed day any person liable to payment of the rate may make application to the churchwardens to allow his liability to be redeemed in consideration of the payment to the churchwardens of a sum in gross calculated in accordance with the provisions of subsection (2) of this section together with any expenses incurred by the churchwardens in connection with or incidental to such redemption and on any application so made the churchwardens may, and in so far as the application relates to property which at the date thereof comprises or forms part of a permanent open space or highway under the control or management of a local or other public authority shall allow such liability to be redeemed accordingly. Voluntary redemption of liability to rate.

(2) The sum in gross to be paid under subsection (1) of this section as the consideration for the redemption of liability for payment of the rate in respect of any rateable property shall be calculated by reference to the amount payable in respect of that liability during the then current rating period multiplied by such figure as is obtained by deducting from twenty-five the number of rating periods after the appointed day in which payment of the rate has been made in respect of the liability proposed to be redeemed.

(3) Where in any case the churchwardens allow an application for the redemption of liability to the rate, and the applicant makes payment to the churchwardens in accordance with the foregoing provisions of this section, the churchwardens shall certify in writing that liability to payment of the rate in respect of the rateable property concerned has been redeemed, and as from the end of the then current rating period all liability to payment of the rate in respect of that property shall be extinguished.

(4) Until the churchwardens give the notice required by subsection (2) of section 5 (Establishment of redemption fund, and ultimate extinguishment of rate) of this Act all moneys received in consideration of the redemption of liability to the rate under the foregoing provisions of this section shall be held and invested by the churchwardens as trustees separately from any moneys comprised in the redemption fund and the income therefrom applied in reduction of the total amount of the rate provided for in paragraph (2) of section 3 (Future incidence of rate) of this Act, and after the giving of such notice all moneys held by the churchwardens by virtue of this section shall be added to and form part of the redemption fund:

Provided that for the purpose of making any decision as to the sufficiency of the redemption fund prior to giving the before-mentioned notice the churchwardens shall regard any capital moneys received by them under the provisions of this section as forming part of the redemption fund.

Saving for
existing Acts.

7. Subject only to the provisions of this Act, nothing therein contained shall prejudice, take away or otherwise affect, any rights, powers and duties of the churchwardens under the authority of the existing Acts.

Costs of Act.

8. All costs, charges and expenses preliminary to and of and incidental to the preparing, obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the churchwardens as expenses reasonably incurred in making and collecting the rate.

PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR
PERCY FAULKNER, C.B.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament
LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 1s. 0d. net

PRINTED IN ENGLAND

Saint Paul, Covent Garden, Act, 1962

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